

**Exhibit B to the Declaration of
Roderick M. Thompson**

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

CISCO SYSTEMS, INC.,

Plaintiff,

v.

ARISTA NETWORKS, INC.,

Defendant.

Case No. 5:14-cv-05344-BLF (PSG)

EXPERT REPORT OF JOHN R. BLACK, JR.

June 3, 2016

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SUBJECT TO PROTECTIVE ORDER**



John R. Black, Jr.

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produced.

294. Finally, I ran a comparison between these two sets of CLI commands to see which commands valid Cisco commands are also valid Dell commands. The comparison required that a given Cisco CLI command exactly match some corresponding Dell CLI command. If two commands varied in minor ways, such as the addition of a hyphen or the omission of an “s” at the end of a word, the commands would not be considered a match.

295. The result of my analysis was a list of over 1600 CLI commands that could be typed into either CLI, Cisco or Dell, and would be accepted (presumably) without error. The list of these commands can be found in **Appendix I**.

296. My opinion that Dell’s networking products support an industry-standard CLI is supported by the sworn deposition testimony of Dell’s own corporate witness, as well as its product materials. At the deposition of Dell’s corporate witness, Mr. Gavin Cato, the witness discussed his familiarity with both the Dell and Force10 CLIs, as well as other CLIs using by networking vendors in the industry, including Extreme Networks’ and Enterasys Networks’ CLIs (Mr. Cato was previously employed by Extreme Networks and testified that he had responsibilities pertaining to the Extreme CLI), and Brocade, Cisco, Arista, NETGEAR, and Juniper’s CLIs for their switching products. *See* Dell Corp. Dep Tr. (Cato) at 21-40. Mr. Cato also confirmed that he interacted with customers both at Dell and while employed at Extreme Networks and became familiar with what customers expected in terms of CLI functionality. *Id.*

297. Mr. Cato testified that, based on his experience working directly with customers that use switching equipment, and his own experience working with different

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vendors' CLIs for their switching equipment, that customers "desire ... to have a similar look and feel for the [routing and switching] products and the interactions with the products for their technicians." Cato Dep. Tr. at 34-39. He also confirmed that Dell customers expect that the Dell CLI would support the command modes that customer technicians are familiar with. *Id.* at 37-38. To determine what Dell networking customers expect, Mr. Cato also confirmed that Dell looked at and analyzed "the most familiar mechanisms for the customer" to ensure consistency across Dell products, and that customers have sometimes required particular commands and modes and sequences in the Dell CLI to be supported. *Id.* at 37-39. One such example is the Dell CLI's support of "show" commands. *Id.* at 39-41.

298. Finally, Dell's corporate witness confirmed that the process for adding new CLI commands to Dell's CLI involves ensuring that industry standards (such as those approved by the IETF and IEEE) and customer expectations are considered and met. *See* Dell Corp. Dep Tr. (Cato) at 34-37 and 41-55. In particular, Mr. Cato provided a concrete illustration of how a particular customer (██████) requested that both the inputs and outputs of the CLI would have to match industry-standard CLI syntax and formatting for both command inputs *and outputs* due to scripting requirements—and in particular, scripts that had already been written for Cisco IOS products. *Id.* at 46-55. Mr. Cato also noted that Extreme, Cisco, and Arista—like Dell—supported at least aspects of the industry standard CLI. *Id.* at 94-96.

299. Mr. Cato also confirmed that Dell and Force10 product materials mentioning an industry-standard or Cisco-like CLI were describing the same industry-standard CLI he described in his deposition testimony. *See* Dell Corp. Dep Tr. (Cato) at

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34-58, and 100-110; Exhs. 952 to 953, and Exhs. 957-959. Mr. Cato confirmed that the “industry standard CLI” referred to “the practices in the industry, in general, relative to the CLI and the implementation of the CLI in the industry” and that “if you are familiar with the industry-standard aspects of the Cisco [device], you would be familiar with the industry-standard aspects of the Dell switch, or the Force10 switch in this case.” *Id.* at 57-58, 105. This is consistent with my understand of the industry-standard CLI, and is reflected in the substantial number of overlapping commands shared by the Dell CLI and the disputed CLI commands in this litigation, as well as the substantially higher number of overlapping commands shared by the Dell CLI and Cisco CLI.

300. Finally, Mr. Cato confirmed that Dell, in promotional videos on its YouTube channel, promoted the similarities between the Dell CLI and the Cisco IOS CLI. *See* Dell Corp. Dep Tr. (Cato) at 96-100, Exh. 956. All of the foregoing evidence provided by Dell add further support to my opinion that the Dell and Force10 CLIs support an industry-standard CLI.

7. D-Link CLI

301. Founded in 1986, D-Link Corporation sells business class switches, including unmanaged and managed Gigabit Ethernet and Fast Ethernet switches that support Layer 2, Layer 2+, and Layer 3 switching functionality. *See* <http://us.dlink.com/about/history-of-d-link/>; <http://us.dlink.com/product-category/business-solutions/switching/>.

302. I understand that D-Link produced documents in response to a document subpoena in this litigation, including product documentation and materials relating to D-Link networking products, but only very recently at the close of fact discovery. I also

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